



Fondazione Marista
per la Solidarietà
Internazionale Onlus
FMSI
Per il Bene dei Bambini



**Human Rights Council
Universal Periodic Review (UPR) of Bangladesh**

44th Session (October - November 2023)

Joint Stakeholders' Submission on:

**Human Rights in Bangladesh:
The situation of Children and their families in the Tea Gardens of
Sylhet**

Submitted by:

Marist Foundation for International Solidarity (FMSI)

Centre Catholique International de Genève (CCIG)

(NGOs in Consultative Status with ECOSOC)

and

Marist Brothers Trust Bangladesh

Geneva, March 2023

I. MEMBERS OF THE NGOs COALITION

1. **FMSI:** The Marist Foundation for International Solidarity is an international NGO in Special Consultative Status with ECOSOC and operating in 65 countries. FMSI was established in 2007 and has a special focus on promoting and protecting the rights of children through supporting projects, especially the access to quality education and advocacy.

2. **CCIG:** The International Catholic Center of Geneva or *Centre Catholique International de Genève* is a Non-Governmental Organization (NGO) created in 1950, with more than 20 Christian inspired NGOs. CCIG contributes to the capacity building of NGOs so they can benefit fully from the tools that the UN System puts at the disposal of local actors to improve the enjoyment of human rights by the most vulnerable populations around the world. The CCIG obtained Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) in 2015.

3. **MARIST BROTHERS TRUST BANGLADESH:** The Marist Brothers Trust Bangladesh was established in 2015 in Bangladesh as an umbrella for all the missions and activities of the Marist Brothers, Marist Sisters and Lay Marists in Bangladesh. Following in the footsteps of St Marcelin Champagnat, the objectives of Marist Brothers Trust in Bangladesh is practicing charitable works mainly in the domain of formal and non-formal education in favour of vulnerable children in Bangladesh, promoting the defense of the children's rights and the human and professional formation of teachers and educators.

II. INTRODUCTION AND METHDOLOGY

4. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to the rights of children living in the tea gardens of Sylhet (Bangladesh), focusing on the following 4 key areas:

- a) Corporal Punishment
- b) Child Labour
- c) Forced Child Marriages
- d) Access to Quality Education

Each section conveys recommendations to the Government of Bangladesh.

5. This NGO coalition welcomes the constructive participation of Bangladesh in the Universal Periodic Review (UPR). Bangladesh was last reviewed on 18 May 2018 at the 30th Session of the UPR Working Group. On this occasion, Bangladesh received 251 recommendations, of which it accepted 178 recommendations and noted 73¹. The present joint submission represents the follow-up to the UPR recommendations accepted by the State in 2018, and in particular recommendation 147.51 by Poland calling to “Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education”.²

¹ Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1

² Recommendation No. 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland). *Idem*.

6. The data and information obtained for this submission came from various sources and includes information from educators, social workers and secondary school students belonging to the **North Eastern Region of Bangladesh known as Sylhet; specifically, the Tea Garden Estates of Moulvibazar District**. The data was collected through interviews with relevant stakeholders and a survey conducted during the months of January and February 2023 from a population sample of 600 students, 50 teachers and 60 families of the tea gardens. All information covers the period from the previous UPR of Bangladesh held in May 2018 to March 2023.

III. CHILDREN IN THE TEA GARDENS OF SYLHET

7. Children in the tea gardens of Sylhet experience very serious human rights challenges. Compared to other children in the mainstream community, children in the tea gardens are found to be deprived of their rights as human beings due to the different reasons underlying the socio-economic conditions of their families. Parents of the tea garden children have meager earnings, as low as below 2 dollars per day. Unlike children from the mainstream community, tea garden children are the most exploited in terms of child labour and the most neglected with regard to the quality of education they receive.

8. Available data shows that 61.4 per cent of tea garden workers and their children are poor, which is almost three times the national poverty rate, while the rate of extreme poverty in tea-garden area is estimated at 42.7 per cent. As a consequence of this extreme poverty, many parents take their school-age children with them to work in the tea garden so as to earn a little more income. This assertion is validated by the data that shows that the percentage of tea-garden children aged 5-17 involved in child labour is 29.8 percent in Habiganj, 15.6 percent in Moulvibazar and in 19.3 percent Sylhet, while the national average is 6.8 per cent³. Tea-garden children mostly work as substitutes of or in addition to a family member in order to keep a steady income and to secure more income⁴. Other available data indicates that the average span of schooling in the tea garden areas is 2.9 years, compared to the national average of 6.2 years; implying that the dropout rate from schools⁵ in tea garden is higher than the national one⁶.

IV. CORPORAL PUNISHMENT

9. This NGO coalition welcomes the acceptance by Bangladesh of recommendations No. 147.45, 147.51, 147.52, 147.55, 147.56, 147.145 and 147.150 concerning the eradication of all forms of violence against children, including corporal punishment, child labour, and forced child

³ The Prothom Alo Newspaper, Wednesday 22, 2023.

⁴ The Daily Star Newspaper, Wednesday 22, 2023.

⁵ Almost all the schools in the tea gardens are run by NGOs and Tea Gardens Owners.

⁶ Ibid 4.

marriages.⁷ Violence against children has multiple manifestations such as physical, mental, psychological, sexual and economic. In this report, the carried-out survey's main concern and focus was limited to the physical abuse of children known as corporal punishment occurring in homes and schools, in accordance with definition provided by the UN Committee on the Rights of the Child.⁸ The same practice in Bangladesh is also referred to as PHP (physical and harmful punishment).

Corporal Punishment in Schools

10. In Bangladesh, corporal punishment is unlawful in schools according to a Supreme Court judgment issued on 13 January 2011 which stated that it violated the Constitutional prohibition of torture and cruel, inhuman or degrading punishment or treatment. In response to the Supreme Court Ruling, the Ministry of Education published a circular which came into effect in April 2011, stating that corporal punishment is prohibited in schools, that it constitutes misconduct and that measures will be taken against perpetrators under the Penal Code and the Children Act. Following the Supreme Court's directive to abolish corporal punishment and to amend the Children Act 1974, the Children Act 2013 was enacted; it includes the offence of cruelty against children (section 70) punishing "any person having the custody, charge or care of any child who assaults, abuses, neglect, forsakes, abandons unprotected, uses for personal services, or exposes in an obscene way such child and such assault, abuse, negligence, forsaking, abandonment, or the use in personal service causes unnecessary suffering or such injury to his health that it leads to loss of the child's eyesight or hearing or injury to any of limb or organ of the body and any mental derangement". However, the Children Act 2013 does not have any particular provision prohibiting corporal punishment in schools or madrasas.⁹

Corporal Punishment in Homes

⁷ Recommendations No. 147.45 Enact legislation clearly prohibiting corporal punishment (Zambia); 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland); 147.52 Establish a comprehensive national system for the protection of children to prevent and respond to violence against children, prohibit corporal punishment of children and implement awareness and education programmes in this area (Uruguay); 147.55 Explicitly prohibit corporal punishment of children in all settings, including at home (Montenegro); 147.56 Consider revising the Penal Code and the Children Act in order to prohibit corporal punishment of children in all settings and raising the minimum legal age for marriage to 18 years under all circumstances (Namibia); 147.145 Strengthen existing monitoring mechanisms to protect women and children from all forms of violence and exploitation (Nepal); 147.150 Take strong measures to eradicate child labour, and violence and crimes against children (Chile). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1

⁸ The Committee defines "corporal" or "physical" punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ("smacking", "slapping", "spanking") children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading. In addition, there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child. See CRC General Comment No. 8 (2006), UN Doc. CRC/C/GC/8, p. 4, § 11.

⁹ The Daily Star Friday 24, 2023: Khandaker Farzana Rahman: Last update on Sun Mar 8, 2015 01:53 AM

11. Despite the positive developments occurred in domestic law in recent years, corporal punishment is not categorically prohibited at home either, since Article 89 of the Penal Code 1860 states that: “Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person”. This article can be interpreted as to providing exceptions in favor of corporal punishment. In the 2011 ruling on corporal punishment in schools, the Supreme Court of Bangladesh High Court Division called for prohibition of corporal punishment in the home and directed the Government to consider amending the Children Act 1974 to make it an offence for parents (and employers) to impose corporal punishment on children. The Children Act 2013, which repeals the Children Act 1974, failed to achieve this, since it does not categorically prohibit the use of PHP on children in all settings.

12. This is also in conflict with the position of the UN Committee on the Rights of the Child, according to whom “it is clear that the practice [of corporal punishment] directly conflicts with the equal and inalienable rights of children to respect for their human dignity and physical integrity. The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection from all forms of violence.”¹⁰

13. As a matter of fact, the number of cases of violence reported in families, schools and alternative care settings, remain very high. The survey conducted by this NGO coalition in the tea gardens of Sylhet between January and February 2023 revealed that despite the high degree of awareness¹¹ by both children and guardians about behaviors that are to be considered violent and therefore unacceptable when directed toward children, 392 students out of 600 representing 65 percent, stated that they were abused physically at home, whereas 313 representing 52 percent, stated that they were physically abused at school. This is confirmed by 46 percent of the parents who affirmed that they have used corporal punishment against their children at least once.

14. Most of the parents, despite knowing that PHP is a bad practice, said that they had to beat the child or use abusive language in order to discipline him/her. The conclusions from the findings of the survey on violence against children is that both guardians and teachers are aware that violence against children is prohibited by the law, and yet perceive it as a needed method to teach discipline to the children. Accordingly, in its General Comment No 8, the UN Committee on the Rights of the Child refers to the “widespread acceptance or tolerance of corporal punishment of children” and reiterates that “eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies”.¹²

15. In the light of CRC general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, this NGO coalition recommends the Government of Bangladesh to:

¹⁰ See CRC General Comment No. 8 (2006), UN Doc. CRC/C/GC/8, p. 6, § 21.

¹¹ 75 percent of the students not only stated that they understood what violence against children is, they also explained clearly what it is “violence against children”. As for the parents, guardians and teachers, they all stated that they know what violence against children is.

- a) *Adopt all necessary measures to promote positive, non-violent and participatory forms of child-rearing and discipline, including implementing human rights education programmes addressed to teachers and parents.*
- b) *create a National Child Rights Commission (NCRC) that will strictly monitor the implementation of the ban on corporal punishment in all educational institutions.*
- c) *form child help desks where all the PHP will be reported to and strengthen the training of officials responsible for law enforcement on children's rights.*

V. CHILD LABOUR AND ACCESS TO QUALITY EDUCATION

16. Even though Bangladesh only took note of the recommendation No. 149.13,¹³ we highly commend the government of Bangladesh for ratifying the ILO Minimum Age Convention, 1973 (No.138) which will enter into force for Bangladesh on 22 March 2023.¹⁴ Other relevant UPR recommendations No. 147.51 and 147.150 were also accepted by Bangladesh in 2018.¹⁵ Moreover, we take note that during the UPR, the head of the delegation stated that “Bangladesh was committed to eliminating child labour in all its forms by 2025, as enshrined in Sustainable Development Goal 8.7”.¹⁶

17. According to Article 3 of the Minimum Age Convention 1973, the general minimum age for admission to employment or work is at 15 years and 13 years for light work with the fulfilment of the required conditions. The standard for hazardous work is at 18 years and under certain strict conditions at 16 years. In Bangladesh, the 2006 Labour Act defined a child as a person below the age of 14, and following this definition, the Government of Bangladesh fixed the Minimum Age for labour at 14 years, and therefore those aged between 15 and 18 are considered as adults.

18. Already in 2015, “While noting the adoption of the National Child Labour Elimination Policy in 2010, in which the minimum age for employment was set at 14 years and the engagement of children below the age of 18 in hazardous work was prohibited, the [UN Committee on the Rights of the Child] remains concerned about the weak and insufficient implementation of the legislation on child labour. It is further concerned about the significant number of children being engaged in labour, many of them in hazardous conditions, and in domestic work where they are vulnerable to violence and sexual abuse.”¹⁷

¹³ Recommendation n. 149.13 Ratify the ILO Minimum Age Convention, 1973 (No. 138) and Occupational Cancer Convention, 1974 (No. 139) for the elimination of child labour (Spain). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1

¹⁴ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103500

¹⁵ Recommendations n. 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland); 147.150 Take strong measures to eradicate child labour, and violence and crimes against children (Chile). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1

¹⁶ Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12, § 106.

¹⁷ Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Bangladesh, 30 October 2015, UN Doc. CRC/C/BGD/CO/5, p. 15, § 74.

19. These concerns, echoed in the 2018 UPR recommendations, are still topical with 29.8 percent of tea-garden children aged 5-17 involved in child labour in Habiganj, 15.6 percent in Moulvibazar and 19.3 percent in Sylhet. These data are even more alarming if compared with the national average of 6.8 per cent of child workers¹⁸. Tea-garden children mostly work as substitutes of or in addition to a family member in order to keep a steady income and to secure more income¹⁹.

20. Sadly, available data indicates that the average span of schooling in the tea garden areas is 2.9 years, compared to the national average of 6.2 years; implying that the dropout rate from schools²⁰ in tea garden is higher than the national one²¹.

Concerns for the impact of the 14 years minimum age on the enjoyment of the right to education

21. As mentioned above, this NGO coalition conducted a survey in the Tea gardens of Sylhet where quality education is a far-fetched dream. Most of the children aged 14 years in the tea gardens are either in classes 7 or 8, and a significant number of them can hardly read or write. In areas already suffering from a low school completion rate, the opportunity to get employed at the age of 14 only risk to become an alternative to school instead of a complementary occupation and to greatly worsen the already precarious illiterate levels of the population of Sylhet.

22. Accordingly, findings of the survey conducted by this NGO coalition report that 26 percent of the respondents stated that their siblings are working to earn money instead of going to school, whereas 30 percent said that their friends are working instead of going to school. These findings are corroborated by A. Raquib's 2018 study²² which showed that 20 percent of the tea garden students were absent from school due to their involvement in income earning jobs. On the same lines, in a recent report by UNICEF reported in The Prothom Alo²³, the UNICEF's chief of social policy Mekonnen Woldegorgis said the percentage of child labor is 18.8 per cent in tea garden.

23. Moreover, the growing number of absenteeism and dropout from school due to child labour is encouraged by owners of the betel leaf and tea gardens factories. As result of interviews conducted by this NGO coalition, school authorities, teachers and parents reported that a growing number of children prefer to work in Punji betel leaf gardens to regularly going to school. Parents also reported that the tea garden owners force them to bring their children aged 15 or more to work in the tea gardens; threatening to cut their weekly food rationing if they refused to comply with the tea garden owners' directives.

Improving access to quality education

¹⁸ The Prothom Alo Newspaper, Wednesday 22, 2023

¹⁹ The Daily Star Newspaper, Wednesday 22, 2023

²⁰ Almost all the schools in the tea gardens are run by NGOs and Tea Gardens Owners

²¹ Ibid 4

²² Raquib A Deputy Director- Play to Learn (PtL), Humanitarian Programs, Sesame Workshop Published Sep 7, 2018

²³ The Prothom Alo, March 29, 2022

24. This NGO coalition commends the government of Bangladesh for accepting recommendation no. 147.51²⁴ to improve access to education. While commending the efforts of the government to ensure free education, we note with concern the persistence of school fees especially in secondary education, which makes access to education for all the children of the tea garden yet to be achieved.

25. Moreover, the survey carried by this NGO coalition showed that most of the schools in tea gardens are run by NGOs and Tea Garden Owners. When asked if all the siblings in the family go to school, 91 percent of the respondents said yes, while only 9 percent said no. When further asked if all the children in the village go to school, 22 percent said no, revealing a higher percentage. The given reason for not going to school refers to the fact that poor families cannot afford to pay school fees, particularly in secondary schools.

26. Quality education is difficult to achieve in the tea gardens, mainly due to lack of qualified teachers, with Bachelor degree in education (BAED). Unfortunately, the NGOs and Tea Garden Owners schools are filled with untrained teachers as most of all the qualified teachers opt for working in Government run schools for better salaries. Another alarming factor is the teacher-pupil ratio which in some schools is as bad as one teacher per school according to the study by A. Raquib (2018)²⁵.

27. Already in 2015, in its Concluding observations on the fifth periodic report of Bangladesh, the UN Committee on the Rights of the Child was “concerned at the lack of reliable disaggregated data necessary for effective evaluation of the implementation of the Convention. It also reiterates its previous concern about the lack of coordination and collaboration among government agencies in data collection and the inadequate technical capabilities for data collection, analysis and reporting.”²⁶ Accordingly, we highlight the lack of available data on the implementation of the right to education, preventing to effectively assess and compare the quality of education provided in the nine districts. This is also due to the lack of supervision and coordination exercised by the Government on educational institutions run by NGOs and other actors. This is even more relevant in those areas such as the tea gardens where there are very few government-run school and education is mainly provided by NGOs and other actors. Very little is done by the government to control that such institutions comply with minimum educational standards, leaving the quality of education provided to children in the tea gardens exclusively to the effectiveness the NGOs and other private actors running the schools.

28. This NGO coalition recommends the Government of Bangladesh to:

a) *Revise the labour minimum age for children in tea gardens in order to fight the high drop out and illiterate rates.*

²⁴ 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1.

²⁵ Raquib A Deputy Director- Play to Learn (PtL), Humanitarian Programs, Sesame Workshop Published Sep 7, 2018

²⁶ Committee on the Rights of the Child, Concluding observations on the fifth periodic report of Bangladesh, 30 October 2015, UN Doc. CRC/C/BGD/CO/5, p. 3, § 14.

- b) Adopt all possible measures de jure and de facto to ensure that child labour, even when is legal, does not prevent children from going to school.***
- c) Develop poverty alleviation programs to combat drop out especially among children in the tea gardens.***
- d) Provide scholarship schemes for students whose parents cannot afford to pay tuition and exam fees.***
- e) Ensure adequate and continuous training as well as adequate salaries for teachers of the schools in tea gardens.***
- f) Ensure adequate guidance and supervision to ensure that schools run by NGOs and other private actors comply with international minimum standards of the quality education.***

VI. FORCED CHILD MARRIAGES

29. Once again, this NGO coalition commends the government of Bangladesh for accepting relevant UPR recommendations to combat child forced marriages²⁷. We recognize the efforts undertaken by the government of Bangladesh to eradicate child marriages, especially in the pre-COVID-19 era²⁸. Over the decade of 2007–2017, child marriages reduced nationally from 66% to 59%, whereas marriage before 16 years of age plummeted from 46% to 32%. Despite this significant progress, Bangladesh has the fourth highest prevalence of child marriage in the world²⁹ and the highest in Asia.

30. The current domestic law addressing child marriage in Bangladesh is the Child Marriage Restraint Act, 2017 (CMRA) repealing the earlier British law of 1929³⁰. The Act sets the minimum age of marriage for a male as 21 years and for a female as 18 years. CMRA criminalizes contracting, allowing, or solemnising of a child marriage. Although the stringent provisions in the new law, including its focus on preventive measures, the inclusion of a ‘special provision’ (under section 19 of CMRA)³¹ allowing marriage below 18 years to take place given the parental consent and a court, the CMRA act does little to prevent child marriages in Bangladesh especially in the Tea Gardens. Worse still, the law sets no minimum age for the

²⁷ Recommendations n. 147.46 Formulate rules of procedures for the use of clause 22 of the 2017 Child Marriage Restraint Act to clarify existing gaps in order to prevent misuse of the provision allowing marriage for children below the legal age in “special circumstances” (Denmark); 147.47 Continue to strengthen its measures in preventing child marriages (Viet Nam); 147.48 Amend the Child Marriage Restraint Act to maintain the legal minimum age at 18 years (Republic of Korea); 147.49 Move towards the real and effective elimination of child marriage, restricting to the maximum the application of exceptions (Spain); 147.50 Step up measures to combat child prostitution and early marriage (Gabon); 147.51 Strengthen existing law and practice to guarantee effectively the rights of children, in particular by combating violence against children, child labour and forced marriages, and by improving access to education (Poland). Report of the Working Group on the Universal Periodic Review of Bangladesh, 11 July 2018, UN Doc. A/HRC/39/12 and its Addendum UN Doc. A/HRC/39/12/Add.1.

²⁸ Hossain MJ, et al. *BMJ Paediatrics Open* 2021;5:e001328. doi:10.1136/bmjpo-2021-001328

²⁹ UNICEF, March 8, 2021

³⁰ Reported in “A Review of the Effectiveness of the New Legal Regime to Prevent Child Marriages in Bangladesh: Call for Law Reform, Girls Not Brides: 8 Oct 2020”

³¹ Clause 22 of the 2017 Child Marriage Restraint Act.

parental consent clause. It merely states that a marriage may be granted for “special cases” that adhere to the “greater good of the adolescent.”³² This implies that a girl below 18 years of age can be married at any age.

31. Based on a recent survey³³, about 59% of women in the country aged 20–24 years were married before the age of 18 years. In 2021, the number of child brides is a staggering 38 million, while around 13 million of them have been forced into marriage even before 15 years of age. They also reported that there has been a 13 percent increase in child forced marriages since the inception of Covid-19, and that most of these marriages happened in rural Bangladesh: the tea gardens included.

32. The survey conducted by this NGO coalition also shows a prevalence of child marriages in the surveyed area, i.e. tea gardens of Sylhet, where 13 percent of the respondents stated that their sisters aged between 10 and 18 were married off, while 37 percent said that they know girls who got married before they reached 18 years of age. We have a case in our school when in 2021 one of our workers married off a girl of class seven, corresponding to age 13. The parents were finding it difficult to control her and knowing the exception allowed by the law, they married her off.

33. Moreover, to avoid the law that stipulates the age of 18 for girls and 21 for boys, parents increase the ages of their children to or beyond the legal age to enter into marriage. As birth certificates are uncommon in tea gardens, it becomes very easy to manipulate the birth dates of the children to bypass the minimum age set by law to enter into marriage.

34. This NGO coalition recommends the Government of Bangladesh to:

- a) *Revise the 2017 Child Marriage Restraint Act (CMRA) by removing the provision that allows child marriages below the age of 18 in “special circumstances”.***
- b) *Work towards making marriage registration compulsory for all religions and digitize records.***
- c) *Ensure that birth registration is mandatory especially in tea gardens in order to prevent deceitful manipulations of the age of children as a measure to fight against child marriages.***

³² The special cases refer to the raped underage girl victim to be married by her rapist, sometimes also for economic benefits of the girl normally from a poor family (at least to have one mouth less to feed)

³³ Hossain MJ, et al. *BMJ Paediatrics Open* 2021;5:e001328. doi:10.1136/bmjpo-2021-001328